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JAMES ROY BARON

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, ) D.C. No. Cr. 96-190-DFL

Plaintiff/Respondent, )

vs. )

JAMES ROY BARRON, )

Defendant/Movant. )

DEFENDANT'S REQUEST FOR  
EXTENSION OF TIME TO FILE  
OBJECTIONS TO MAGISTRATE  
JUDGE'S FINDINGS &  
RECOMMENDATIONS  
AND PROPOSED ORDER

Judge: Gregory G. Hollows

On December 1, 2004, the magistrate judge issued Findings & Recommendations ("F&Rs") recommending dismissal of Claims 3,4,5, and 6 of movant James Barron's Second Amended §2255 Motion, on grounds of procedural default. By stipulated Order filed December 17, 2004, the Court permitted the parties to delay filing objections to the December 1, 2004 F&Rs until the remaining claims were also resolved. After holding an evidentiary hearing on Claims 1 and 2, the magistrate judge issued F&Rs on November 14, 2006, recommending denial of those claims. Movant wishes to file objections to both sets of F&Rs, and seeks a six-week extension of time to do so.

Movant's counsel is unable to complete the objections within the 20-day period set by the Court (by December 4, 2006) due to a combination of factors. First, counsel's workload is such that she cannot dedicate sufficient time to this case during the time allowed. Ms. Luban is currently working on the following matters: (1) a complex appeal brief in United States v. Nobari, C.A. No. 06-10465 (a mandatory minimum

1 pseudoephedrine conspiracy case with several extended substantive appeal issues) that  
2 will be due in mid-December; (2) investigation and drafting of a Franks motion in United  
3 States v. Cooper, a mandatory minimum multi-drug case in the Northern District; (3)  
4 review of abundant wiretap discovery in United States v. Le, a 8-defendant marijuana  
5 conspiracy case in the Northern District; a sentencing memorandum in United States v.  
6 Caldera, a drug case in the Northern District, as well as other case responsibilities in  
7 numerous other federal criminal cases.

8 Second, movant's counsel has holiday vacation plans that will interfere with work  
9 on this matter, including a two-day trip over the Thanksgiving holiday, and a week-long  
10 family vacation from December 23, through December 30, 2006.

11 Accordingly, a six-week extension of time is needed until January 16, 2007. The  
12 government's counsel, AUSA Samantha Spangler, has advised the undersigned that she  
13 has no opposition to the requested extension of time. Movant remains incarcerated at  
14 Atwater USP serving his life sentence.

15  
16 DATED: November 21, 2006

17 SUZANNE A. LUBAN  
18 Attorney for James Barron  
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21 For Good Cause Shown, IT IS SO ORDERED.  
22

23 DATED: Nov. 28, 2006  
24

25 GREGORY G. HOLLOWS  
26

27 GREGORY G. HOLLOWS  
28 CHIEF U.S. MAGISTRATE JUDGE